

district court libels praying seizure and condemnation of 545 cases of Epsom Salt, in part at Rochester, N. Y., and in part at Buffalo, N. Y., consigned by the Texaco Salt Products Co., Tulsa, Okla., alleging that the article had been shipped in interstate commerce, in part on or about September 5, 1933, and in part on or about October 25, 1933, from Tulsa, Okla., and charging misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libels that the article was misbranded in that the following statements appearing on the packages, regarding the curative or therapeutic effects of the article, were false and fraudulent: "Beneficial in rheumatic conditions, aids in the reduction of adipose tissue, relieves * * * aching feet * * * for rheumatic conditions * * * for reducing * * * for * * * aching feet."

On December 28, 1933, the McKesson Buffalo Drug Co., Inc., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$2,000, conditioned that it be relabeled under the supervision of this Department so that it comply with the provisions of the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

22335. Adulteration and misbranding of Digitol. U. S. v. 28 Bottles of Digitol. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32003. Sample no. 68951-A.)

This case involved a shipment of Digitol which was represented to comply with the pharmacopoeial requirements for tincture of digitalis. Examination showed that it had a potency almost double that required by the United States Pharmacopoeia for tincture of digitalis.

On February 20, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of twenty-eight 1-ounce bottles of the said Digitol at Trenton, N. J., alleging that the article had been shipped in interstate commerce, in various shipments between January 18, 1934, and February 2, 1934, by Sharp & Dohme, from Philadelphia, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, "Tincture Digitalis U. S. P.", and differed from the standard of strength as determined by the test laid down in the said pharmacopoeia, and its own standard of strength was not stated upon the container.

Misbranding was alleged for the reason that the following statements, appearing in the labeling, were false and misleading: (Carton and bottle) "Digitol * * * Tincture Digitalis U. S. P. Strength"; (carton, only) "Digitol * * * a uniformly potent and dependable tincture of digitalis."

On April 2, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22336. Adulteration and misbranding of fluidextract of squill. U. S. v. Three 4-Ounce Bottles and Two 1-Pound Bottles of Fluidextract Squill U. S. P. X. Default decree of forfeiture and destruction. (F. & D. no. 32017. Sample no. 58236-A.)

This case involved a shipment of fluidextract of squill represented to be of pharmacopoeial standard. Examination showed that the article had a potency of almost twice that required by the United States Pharmacopoeia.

On February 23, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three 4-ounce bottles and two 1-pound bottles of fluidextract of squill at Boston, Mass., alleging that the article had been shipped in interstate commerce, on or about January 16, 1934, by the Burroughs Bros. Manufacturing Co., from Baltimore, Md., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength as determined by the test laid down in the said pharmacopoeia, and its own standard of strength was not stated on the container.

Misbranding was alleged for the reason that the statement on the label, "Fluid Extract Squill U. S. P. X.", was false and misleading.

On March 26, 1934, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22337. Adulteration and misbranding of emulsion of cod liver oil, and adulteration of syrup of hypophosphites compound. U. S. v. Moore & Co., Inc. Plea of nolo contendere. Fine, \$30. (F. & D. no. 31450. Sample nos. 8353-A, 8360-A.)

This case was based on interstate shipments of emulsion of cod liver oil and syrup of hypophosphites compound. Analyses showed that the former contained less cod liver oil than declared on the label, and that the latter contained less calcium hypophosphite than provided in the National Formulary.

On March 2, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Moore & Co., Inc., Worcester, Mass., alleging shipment by said company, from the State of Massachusetts into the State of Pennsylvania, on or about December 19, 1931, of a quantity of emulsion of cod liver oil which was adulterated and misbranded, and on or about March 29, 1932, of a quantity of syrup of hypophosphites compound which was adulterated. The articles were labeled in part: "Lees Emulsion of Pure Norwegian Cod Liver Oil * * * 33½% Cod Liver Oil, with Hypophosphites lime and soda"; "Lees Syrup Hypophosphites Compound Clear."

It was alleged in the information that the emulsion of cod liver oil was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented to contain 33½ percent of cod liver oil, whereas it contained a less amount, namely, not more than 30.48 percent of cod liver oil.

Adulteration of the syrup of hypophosphites compound was alleged for the reason that it was sold under a name recognized in the National Formulary, and differed from the standard of strength, quality, and purity as determined by the test laid down therein, since it contained less than 35 grams of calcium hypophosphite per 1,000 cubic centimeters; whereas the National Formulary provides that each 1,000 cubic centimeters of syrup of hypophosphites compound shall contain not less than 35 grams of calcium hypophosphite, and the standard of strength, quality, and purity of the article was not declared on the container.

Misbranding of the emulsion of cod liver oil was alleged for the reason that the statement, "33½% Cod Liver Oil", borne on the carton and on the bottle label, was false and misleading, since the article contained less than 33½ percent of cod liver oil.

On March 19, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$30.

M. L. WILSON, *Acting Secretary of Agriculture.*

22338. Misbranding of Kelp-A-Malt. U. S. v. 33 Bottles of Kelp-A-Malt. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31877. Sample no. 37892-A.)

This case involved an interstate shipment of Kelp-A-Malt, the labels of which bore unwarranted claims as to its effectiveness as a curative and therapeutic agent, and its value as a source of vitamins and minerals.

On January 25, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 bottles of Kelp-A-Malt at Baltimore, Md., alleging that the article had been shipped in interstate commerce by the Allied Laboratories, from New York, N.Y., on or about January 22, 1934, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Prepared by The Kelpamalt Company * * * New York."

Analysis of a sample of the article by this Department showed that it contained ground vegetable material, starch, malt extract, and 14.9 percent of ash (mineral matter) including compounds of copper, manganese, iron, magnesium, calcium, potassium, silica, phosphorus, and iodine.

It was alleged in the libel that the article was misbranded in that the statement on the bottle label, "Abounds in rich, vital minerals and vitamins so absolutely essential to the human body", was false and misleading, since